

**APPROVED MINUTES**  
**FLATHEAD COUNTY BOARD OF ADJUSTMENT**  
**May 2, 2023**

*Note: These minutes are paraphrased to reflect the proceeding of the Flathead County Board of Adjustment meeting, per MCA 2-3-212*

A meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. at the 2nd Floor Conference Room of the South Campus Building, 40 11th Street West, Suite 200, Kalispell, Montana. Board members present were Cal Dyck, Roger Noble, Tom Davis, Toby Liechti, and Jim Dyon. Erik Mack, Erin Appert, and Zachary Moon represented the Flathead County Planning & Zoning Office.

There were 14 members of the public in attendance at the meeting.

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05:59:44 PM (00:00:29)

**A. Call to order and roll call.**

Citizen Member - Cal Dyck: Present

Citizen Member - Jim Dyon: Present

Citizen Member - Roger Noble: Present

Citizen Member - Tobias Liechti: Present

Citizen Member - Tom Davis: Present

06:00:06 PM (00:00:51)

**B. Approval of the April 4, 2023 meeting minutes**

Citizen Member - Tom Davis: Motion

Citizen Member - Tobias Liechti: 2nd

Citizen Member - Cal Dyck: Abstain

Citizen Member - Jim Dyon: Approve

Citizen Member - Roger Noble: Abstain

Citizen Member - Tobias Liechti: Approve

Citizen Member - Tom Davis: Approve

06:00:41 PM (00:01:25)

**C. Election of Officers**

**Motion to Elect Cal Dyck as Chairman**

Citizen Member - Roger Noble: Motion

Citizen Member - Tobias Liechti: 2nd

Citizen Member - Cal Dyck: Abstain

Citizen Member - Jim Dyon: Approve

Citizen Member - Roger Noble: Approve

Citizen Member - Tobias Liechti: Approve

Citizen Member - Tom Davis: Approve

**Motion to Elect Tom Davis as Vice-Chairman**

Citizen Member - Roger Noble: Motion

Citizen Member - Tobias Liechti: 2nd

Citizen Member - Cal Dyck: Approve

Citizen Member - Jim Dyon: Approve

Citizen Member - Roger Noble: Approve

Citizen Member - Tobias Liechti: Approve

Citizen Member - Tom Davis: Abstain

[06:01:59 PM \(00:02:43\)](#)

**D. Public comment on public matters that is within the jurisdiction of the Board (2-3-103 M.C.A.)**

[06:02:10 PM \(00:02:55\)](#)

**E. The Board will hold public hearings on the following agenda items. Following the public hearings, Board discussion, and the adoption of findings of fact, the Board may make a decision on the requests.**

[06:02:18 PM \(00:03:02\)](#)

1. **FCU-23-03** A request from Jbc 12, LLC for a conditional use permit to allow multi-family dwellings on property located at 218 Jewel Basin Court in Bigfork, MT. The applicant is proposing two (2) four-plex apartment buildings, for a total of eight (8) units. The property is located within the Bigfork Zoning District and is zoned *B-3 (Community Business)*. The total acreage involved in the request is approximately 0.5 acres.



[Staff Report](#)



[Application](#)



[Site Layout](#)

Erin Appert reviewed Staff Report FCU-23-03 for the Board.

Applicant Comment: None

Agency Comment: None

Public Comment: None

Applicant Rebuttal: None

[06:14:39 PM \(00:15:23\)](#)

**Motion to Adopt Staff Report FCU-23-03 as Findings-of-Fact**

[Citizen Member - Tom Davis: Motion](#)

[Citizen Member - Tobias Liechti: 2nd](#)

[Citizen Member - Cal Dyck: Approve](#)

[Citizen Member - Jim Dyon: Approve](#)

[Citizen Member - Roger Noble: Approve](#)

[Citizen Member - Tobias Liechti: Approve](#)

[Citizen Member - Tom Davis: Approve](#)

[06:15:32 PM \(00:16:17\)](#)

**Motion to Approve FCU-23-03 with Condition #15 Amended**

[Citizen Member - Tom Davis: Motion](#)

[Citizen Member - Jim Dyon: 2nd](#)

[Citizen Member - Cal Dyck: Approve](#)

[Citizen Member - Jim Dyon: Approve](#)

[Citizen Member - Roger Noble: Approve](#)

[Citizen Member - Tobias Liechti: Approve](#)

[Citizen Member - Tom Davis: Approve](#)

2. **FCU-23-04** A request from Breckenridge Surveying and Mapping, PLLC, on behalf of Barbara Cunningham for a conditional use permit to construct a church and assembly hall on property located on the corner of Airport Road and Morning Star Drive, Kalispell, MT. The property is located within the Lower Side Zoning District and is zoned SAG-5 (Suburban Agricultural). The total acreage involved in the request is approximately 5.226 acres.



[Staff Report](#)



[Cover Letter](#)



[Application](#)



[Site Plan](#)

Zachary Moon reviewed Staff Report FCU-23-04 for the Board.

**Applicant Comment:**

Buck Breckenridge, Breckenridge Surveying and Mapping, PLLC, 89 W. Evergreen Dr. St. Hermes has been a Mission Parish of the Orthodox Church for about ten years. The church has been growing over the years and now they are needing a larger space to worship. They are needing a place that is setup a little more for Orthodox worship, an assembly hall that is easier to access, and an area that is suitable for people coming and going. Mostly to have a space that is beautiful and fits with not only the area but the values of Orthodox Christian Worship. Finding a parcel of land that works for a church has proven to be difficult, with zoning, DEQ, and access issues. The land search has taken sometime. This property is meeting all the needs of the church. The Applicants agree with the Staff Report other than some typos. This area is on the edge of Kalispell. It is inside the annexation to the city of Kalispell within the next ten years, City of Kalispell Growth Policy provided to the Board. They have meet with several members of the community and have received mostly positive feedback.



[City of Kalispell Growth Policy](#)

Agency Comment: None

**Public Comment:**

Andrew Bratlien, 2047 Truman Heights, spoke in support of the proposal. He is the Traffic Engineer who completed the traffic study provided with the application. He provided a brief description of how he calculated his traffic numbers. There is not a lot of crash history, there were three crashes in a five-year period in that area. That is less than one crash per year. From a safety stand point and operation standpoint, there are no issues. Proposed property has two accesses with primary access on Airport. One typo on the staff report item #2 under adequate access, addressed with Staff. All parking Requirements will be met.



[Traffic Impact Study](#)

Brynn Rankin, 437 Morning Star Drive, spoke in opposition of the proposal. This is SAG 5. Having that large of a commercial building in SAG 5 goes against the intent of preserving agricultural functions. She believes that the conditional use under SAG 5 zoning for a church was not intended for a large commercial church but rather a small neighborhood church that serves the local neighborhood community. She has concerns with the Family Transfer that was used to create this parcel of land. She believes this is a blatant misuse of the Family Transfer process. She has concerns with the increase in traffic and the wildlife in the area.

Craig Michael, 128 Charlotte Ave., spoke in opposition of the proposal. He owns ten acres in this subdivision and he bought it because it was SAG. He would like to keep this neighborhood as SAG and keeping it as a residential neighborhood. He has concerns with growth and parking that could result in overflow onto Morning Star Drive. Traffic on Morning Star is dangerous when taking left turns with traffic traveling to fast. The church has agreed to fix up the road at the front of the subdivision and this is why some neighbors are in support of the proposal.

Applicant Rebuttal:

Rick Breckenridge, Breckenridge Surveying and Mapping, PLLC, 2302 Hwy 2E #6. He discussed the idea of the straw man in a Family Transfer and this is not a straw man. The Family Transfer process is not for us to review, as it has already been approved by the appropriate authorities. We are looking at a conditional use permit that is a permitted use under SAG 5. Urban whitetail deer is just a fact of life that we deal with. The idea of protecting a species that is not threatened, they are not on the endangered species list. They are deer and we live with that as a fact of life. We are looking at 5 acres, a 10,000 square foot building will leave a lot of room for offsite parking. Given the condition this State is in we are needing spirituality and people who are willing to step forward. There is a member of the church that lives in this neighborhood. This a good project and is needed in this community. They are looking to enhance this community and not to inhibit anyone else's right.

Staff Rebuttal regarding Family Transfers and selling the property following the Family Transfer. No timeline on how long they have to hold the property before they can sell it.

[06:51:14 PM \(00:51:58\)](#)

**Motion to Adopt Staff Report FCU-23-04 as Findings-of-Fact**

[Citizen Member - Tobias Liechti: Motion](#)

[Citizen Member - Jim Dyon: 2nd](#)

[Citizen Member - Cal Dyck: Approve](#)

[Citizen Member - Jim Dyon: Approve](#)

[Citizen Member - Roger Noble: Approve](#)

[Citizen Member - Tobias Liechti: Approve](#)

[Citizen Member - Tom Davis: Approve](#)

[06:51:41 PM \(00:52:26\)](#)

**Motion to Approve FCU-23-04**

[Citizen Member - Tom Davis: Motion](#)

[Citizen Member - Cal Dyck: 2nd](#)

[Citizen Member - Cal Dyck: Approve](#)

[Citizen Member - Jim Dyon: Approve](#)

[Citizen Member - Roger Noble: Approve](#)

[Citizen Member - Tobias Liechti: Approve](#)

[Citizen Member - Tom Davis: Approve](#)

3. **FZV-23-01** A request from Sam Cordi Land Surveying, on behalf of Sueann Howell, for a variance to the density standards within the West Valley Zoning District as outlined in Section 3.42.050 of the Flathead County Zoning Regulations (FCZR). The property is zoned 'WV West Valley' and contains 5.455 acres. The property is located at 268 Dern Draw near Kalispell, MT.



[Staff Report](#)



[Application](#)



[Survey History](#)

**THIS APPLICATION HAS BEEN WITHDRAWN PRIOR TO TONIGHT'S MEETING BY THE APPLICANT AND WAS NOT HEARD.**

[06:53:36 PM \(00:54:20\)](#)

**F. Old Business**

Short Term Rental Text Amendment went to the Planning Board for a recommendation and it will be going to the Board of County Commissioners for review.

Short Term Rental Bill in Legislature is probably dead, nothing has been heard about it for a couple weeks.

[06:54:16 PM \(00:55:01\)](#)

**G. New Business**

[06:54:54 PM \(00:55:38\)](#)

**H. Adjournment**

**Approved on 6/06/2023 by roll call vote 4 to 0**